

Indiana Civil Rights Commission  
**AGENCY MONTHLY REPORT**  
JANUARY 2012



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# Intake

The Intake section of the report shows the number of phone, web and/or mail inquiries received from the public. It also shows the number of jurisdictional complaints drafted and mailed. The number of signed complaints received for investigation is also reported.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Total Number of Inquiries	305												305
Number of Complaints Drafted	61												61
% of inquiries drafted	20%												20%
Employment	43												43
Real Estate	6												6
Public Accommodation	2												2
Credit	0												0
Education	3												3
Unknown	7												7
Number of Complaints Formalized	85												85
Employment	75												75
Transferred from EEOC*	23												23
Real Estate	4												4
Transferred from HUD**	1												1
Public Accommodation	6												6
Credit	0												0
Education	0												0

\*EEOC sends cases to ICRC pursuant of the Deferral Program. These transfers are included in the total # of EEOC complaints formalized.

\*\*Reflects cases retrieved from Teapots. These transfers are included in the total # of HUD complaints formalized.

# Inquiries by Region

This section provides a breakdown of the inquiries received by each region.

	Jan 2011	Feb 2011	Mar 2011	Apr 2011	May 2011	June 2011	July 2011	Aug 2011	Sept 2011	Oct 2011	Nov 2011	Dec 2011	Year to Date
Total Number of Inquiries by Region	305												305
Region 1	40												40
Region 2	22												22
Region 3	11												11
Region 4	7												7
Region 5	132												132
Region 6	26												26
Region 7	18												18
Region 8	18												18
Region 9	17												17
Unknown	14												14

**Region 1:** Jasper, Lake, LaPorte, Newton, Porter, Pulaski and Starke

**Region 2:** St. Joseph, Elkhart, Marshall, Fulton, Kosciusko, Wabash, Cass and Miami

**Region 3:** LaGrange, Steuben, Noble, Dekalb, Whitley, Allen, Huntington, Wells and Adams

**Region 4:** White, Benton, Warren, Tippecanoe, Carroll, Clinton, Fountain and Montgomery

**Region 5:** Boone, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson and Shelby

**Region 6:** Howard, Grant, Blackford, Jay, Tipton, Madison, Delaware, Randolph, Henry, Wayne, Rush, Fayette, Union and Franklin

**Region 7:** Vermillion, Parke, Putnam, Vigo, Clay, Owen, Sullivan, Greene and Monroe

**Region 8:** Knox, Daviess, Martin, Lawrence, Gibson, Pike, Dubois, Orange, Crawford, Posey, Vanderburgh, Warrick, Spencer and Perry

**Region 9:** Brown, Bartholomew, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland and Washington

**Unknown:** If the location of the inquiry cannot be identified.

# Investigation

The Investigation section shows the overall age of cases currently being investigated by the agency. Cases over 100 days in Real Estate or 180 days in all other cases could be in the Legal Department pending a decision. (Aged is >100 days in Real Estate and >180 days in all other cases).

[illegible]

# Closures

The Closure section indicates the number of cases closed and how the case was closed after a complete investigation. NPC = No Probable Cause, CWS = Closed with Settlement (Mediation Agreement), CW = Closed Withdrawal, AD = Administrative Dismissal (Lack of Jurisdiction, Failure to Cooperate/Locate), FO = Final Order.

[illegible]

# Legal

The Legal section tracks cases receiving probable/reasonable cause, as well as provides information on active cases being handled by the Legal Department.

	Jan 2011	Feb 2011	Mar 2011	Apr 2011	May 2011	June 2011	July 2011	Aug 2011	Sept 2011	Oct 2011	Nov 2011	Dec 2011	Year to Date
Probable/Reasonable Cause Findings	12												12
Employment	9												9
Real Estate	3												3
Public Accommodation	0												0
Education	0												0
Credit	0												0
Active Cases	45												
Employment	24												
Real Estate	9												
Public Accommodation	6												
Education	6												
Credit	0												
Average Age of Cases since NOF*													

\*NOF (Notice of Finding). This includes cases that are now pending in state court.

## Probable Cause Findings for the current month

This section provides detailed information on probable cause findings.

**Toni Harris obo Erin Davis v. Papa John's Pizza** is an employment case based on race. Complainant alleged that Respondent terminated her because she allegedly failed to report to work.

**Michael Davis v. Papa John's Pizza** is an employment case based on race. Complainant alleged that Respondent terminated him allegedly violated company policy related to honesty in the workplace.

**Betty Davenport v. Kroger** is an employment case based on race. Complainant alleged that Respondent terminated her for allegedly falsifying documents.

**Clifton Brooks v. Mount Vernon Community School Corporation** is an employment case based on race. Complainant alleged that Respondent demoted him because of poor work performance.

**Leo Perez v. Humane Society of Northwest Indiana** is an employment case based on sex and national origin. Complainant alleged that Respondent terminated him because he allegedly became belligerent with the agency director.

**Minne v. Nick's Patio** is an employment case based on sex. Complainant alleged that Respondent failed to hire her because she was pregnant.

## No Probable Cause Findings reversed to Probable Cause Findings for the current month

This section provides information on cases which were reversed by an ICRC Commissioner to a Probable Cause after an appeal.

**Ulysses Long v. Cricket Transport** is an employment case based on race.

**Jeff Moore v. Creek Side Mobile Home** is a housing case based on disability.

**Angela Washington v. Prompt Ambulance** is an employment case based on race.

**Kara Moore v. King Gyro's** is an employment case based on sex/sexual harassment.

**Larry Fullington v. Claudeen Crump** is a housing case based on disability.

**Joseph Marcum v. Claudeen Crump** is a housing case based on disability.

## Final Orders

This section provides information on cases that receive Final Orders by The Commission.

**Adams v. St. Mary/John Paul II Middle School** is an education case based on race. The complaint was closed with settlement.

**Seitz v. Craftech Building Systems** is an employment case based on disability. The complaint was closed with settlement.

**Ladd v. Partners in SGD Development Corp.** is a housing case based on disability. The complaint was closed with settlement.

**Smith v. Ferree** is a housing case based on familial status. The complaint was closed with settlement.

## Legal Updates

This section provides information on legal news, passing or changes in law and other state and local laws affecting The Commission.

### Articles of Interest:

#### **EEOC: Private Sector Bias Charges Hit All-Time High** (January 24, 2012)

<http://www.eeoc.gov/eeoc/newsroom/release/1-24-12a.cfm>

FY 2011 data shows:

- The EEOC received a record 99,947 charges of employment discrimination and obtained \$455.6 million in relief through its administrative program and litigation in Fiscal Year 2011.
- The EEOC resolved more charges than it took in with 112,499 resolutions, while decreasing their pending charges (78,136) by ten percent.
- The mediation program reached record levels, both in number of resolutions (9,831) and benefits (\$170,053,021).

#### **California Considers Outlawing Discrimination Against Unemployed** (January 23, 2012)

[http://www.huffingtonpost.com/2012/01/23/california-unemployment-discrimination\\_n\\_1224464.html?ref=mostpopular](http://www.huffingtonpost.com/2012/01/23/california-unemployment-discrimination_n_1224464.html?ref=mostpopular)

Lawmakers are trying to make California the second state in the nation to ban hiring discrimination against the unemployed. The bill, introduced on Jan. 5, wouldn't allow unemployed job-seekers to sue/file a complaint of discrimination, but companies that violate the law would face investigation and fines of up to \$10,000. The National Employment Law Project found in a one-month study last year that 125 online job postings required candidates to be "currently employed" for positions ranging from insurance agent to university research supervisor to sous chef.

#### **EEOC Seeks Input on FY 2012-2016 Strategic Plan** (January 18, 2012)

<http://www.eeoc.gov/eeoc/newsroom/1-18-11a.cfm>

The EEOC has requested public comment on a draft of their strategic plan that focuses on strategic law enforcement, education, outreach and serving the public.

#### **Discrimination Could Be Harmful to Your Health** (January 13, 2012)

<http://psychcentral.com/news/2012/01/13/discrimination-could-be-harmful-to-your-health/33625.html>

In a new study, Rice University sociologists found that approximately 18 percent of blacks and 4 percent of whites reported higher levels of emotional distress and physical symptoms due to perceived race-based discrimination.

**Pepsi Settles Racial Discrimination Claims** (January 12, 2012)

<http://www.courthousenews.com/2012/01/12/42970.htm>

PepsiCo bottling unit will pay \$3.13 million and provide jobs and training to resolve accusations of race discrimination. The EEOC said the criminal background-check policy the company used discriminated against African Americans in violation of Title VII of the Civil Rights Act. Under Pepsi's former policy, job applicants who had been arrested pending prosecution were not hired for a permanent job even if they had never been convicted of any offense.

**AFC's Kevin Chavous Unites Education Reform with Civil Rights Legacy at Indiana MLK Event** (*Sacramento Bee*, Jan. 12, 2012)

<http://www.sacbee.com/2012/01/12/4183566/afcs-kevin-chavous-unites-education.html>

This release was picked up by the Associated Press and circulated nationwide.

**Speaker: Education crisis needs leader like Dr. King** (*Indianapolis Star*, Jan. 12, 2012)

<http://www.indystar.com/article/20120112/NEWS05/201120396/Speaker-Education-crisis-needs-leader-like-Dr-King?odyssey=tab%7Ctopnews%7Ctext%7CindyStar.com>

Indianapolis Star article on the MLK program.

**Religious Organizations Can Discriminate in Hiring—They're Above the Law Protecting Workers** (*Lawyers.com*, Jan. 17, 2012)

<http://www.jdsupra.com/post/documentViewer.aspx?fid=402dbf73-1516-40f6-b0e5-72248f798ac8>

Very interesting topic.

**Ohio civil rights panel sticks to 'white only' pool sign ruling** (*MSNBC*, Jan. 12, 2012)

[http://photoblog.msnbc.msn.com/\\_news/2012/01/12/10143690-ohio-civil-rights-panel-sticks-to-white-only-pool-sign-ruling](http://photoblog.msnbc.msn.com/_news/2012/01/12/10143690-ohio-civil-rights-panel-sticks-to-white-only-pool-sign-ruling)

Fortunately, this sign looks like it was made during the Industrial Revolution. (It wasn't just made). This is just nonsense.

[New rules at Statehouse under scrutiny, critics question constitutionality of new measures](#)

The new rules, imposed as a contentious legislative session begins, cap the number of people allowed into the Statehouse, restrict them from gathering in hallways outside the legislative chambers and prohibit them from making a "disruptive" level of noise. The rules cap the number of people allowed in the

Statehouse at 3,000. But about 1,500 of those people are state employees, legislators and lobbyists who have state-issued badges that allow them access into the building. That means only about 1,500 members of the general public will be allowed to enter the Statehouse each day.

#### [US Labor Department seeks to improve job opportunities for Americans with disabilities by setting historic hiring goal for federal contractors and subcontractors](#)

The U.S. Department of Labor is proposing a new rule that would require federal contractors and subcontractors to set a hiring goal of having 7 percent of their workforce be people with disabilities, among other requirements. This is wonderful news, as there is a large unemployment gap between disabled and non-disabled workers—a major civil rights issue.

#### [Crawford Retiring from Ivy Tech](#)

Bill Crawford, Director of Outreach at Ivy Tech Community College, has announced his retirement from the college as of December 31, 2011. Crawford began his career in outreach at Ivy Tech's Indianapolis campus in 1999 and later went on to serve a statewide role in outreach in 2003. A reception to acknowledge Crawford's dedication and service to Ivy Tech will be held today from 3 to 5 p.m. at the Atrium at The Marriott, 2625 N. Meridian St., Indianapolis. Crawford also serves as representative for Indiana House District 98 since 1972, where he is a ranking member of the Indiana House Ways and Means Committee with responsibility for formulating the state's two-year budget.

#### [Burmese watch increased interest in homeland](#)

Fort Wayne has become the home of nearly 6,000 Burmese refugees. Some are beginning to wonder if enough changes will occur to allow them to someday return to their homeland. Former Indiana U.S. Rep. Mark Souder believes the current interest has to do with competition with China, which is building a major gas and oil pipeline system that will take these natural resources from Burma to China.